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Promotion and protection of the rights of children: promotion and protection of the rights of children

Report of the Special Representative of the Secretary-General for Children and Armed Conflict

Summary

The present report is submitted to the General Assembly pursuant to its resolution 67/152 on the rights of the child, in which it requested the Special Representative of the Secretary-General for Children and Armed Conflict to submit a report to the Assembly on the activities undertaken in fulfilment of the mandate and on the progress achieved in advancing the children and armed conflict agenda.

The report covers the period from August 2012 to July 2013. It describes trends, selected issues of concern and progress made over the past year at both the policy and operational levels, including on the mainstreaming of child protection issues within the United Nations system.

The report also provides information on field visits of the Special Representative, on her engagement with regional organizations and international partners and on dialogue with parties to conflict. It outlines a number of priorities for the way forward and concludes with a set of recommendations to enhance the protection of children affected by conflict.

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I. Introduction

1. On 13 July 2012, the Secretary-General appointed Leila Zerrougui of Algeria as his Special Representative for Children and Armed Conflict to succeed Radhika Coomaraswamy, who is thanked for the important progress achieved during her tenure.

2. In its resolution 67/152, the General Assembly requested the Special Representative to submit a report on the activities undertaken in fulfilment of her mandate, including information on field visits and on the progress and challenges in the advancement of the children and armed conflict agenda.

3. The present report highlights progress made over the past year and outlines the immediate priorities, as well as a longer-term vision, to take forward the children and armed conflict agenda in collaboration with Member States, United Nations entities, regional organizations and civil society.

4. The Special Representative expresses her gratitude to United Nations partners, in particular the United Nations Children's Fund (UNICEF), the Department of Peacekeeping Operations and the Department of Political Affairs, as well as to the country teams and civil society organizations that continue to play a crucial role in the fulfilment of her mandate. Child protection actors in the field are to be commended for their commitment to their work and their ongoing courage.

II. Trends in the children and armed conflict agenda

5. In 1996, by its resolution 51/77, the General Assembly created the mandate of the Special Representative in response to the report on the impact of armed conflict on children submitted by Graça Machel (A/51/306), in which the full extent to which children are affected in situations of armed conflict was highlighted for the first time. Since then, the international community has rallied behind the plight of children and has united in the common goal to end grave violations. Progress has been made at the normative and policy levels and coordination has been enhanced among child protection actors within the United Nations system, as well as with national and international partners.

6. Nevertheless, children continue to bear the brunt of today's conflicts. Violations of children's rights occur daily in new and deepening crises, often on a large scale. The challenges of delivering humanitarian assistance to children affected by conflict are often exacerbated by the difficulty of reaching populations displaced as a result of insecurity across different regions. Similarly, the cross-border recruitment of children has become a common trait in many conflict situations, deepening the protection crisis.

7. Traditional warfare, evolving technologies and terror tactics deeply disrupt children's lives in many parts of the world. In other cases, extremist groups indoctrinate and take advantage of children in conflict or specifically target children and educational institutions.

8. In some post-conflict situations, where the root causes of conflict have remained unaddressed, cyclic relapses into violence have occurred, reversing important gains for children and exposing them to the risk of rerecruitment. This illustrates the need to enhance the mainstreaming of child protection concerns into

national peacebuilding priorities and plans, including in resource allocation processes.

9. The challenges and concerns outlined herein are not new. While the joint efforts of Member States, the United Nations system and international partners have contributed to mitigating the impact of armed conflict on children, much remains to be done. The Special Representative has made it a priority to encourage Member States to renew their political engagement, which is crucial in translating international and national child protection standards and legislation into concrete gains for children in times of conflict.

10. Engagement at the international, regional and national levels is even more crucial as the nature of armed conflict continues to evolve and to present challenges for the protection of children.

A. Ongoing and emerging concerns for child protection

11. The reporting period was marked by the escalation of the conflict in the Syrian Arab Republic and by the conflict and military intervention in northern Mali, as well as by renewed instability in the Central African Republic. Children have also been severely affected in the many protracted conflict situations in which they continue to be victims of grave violations, including their recruitment and use by armed forces and groups.

12. Each year, thousands of children are trapped in armed conflict, and they are killed and maimed by explosive weapons, while in the direct line of fire or as collateral damage. Tactics relying heavily on explosive weaponry continued to have a disproportionate effect on children. Air strikes and the use of cluster munitions in populated areas, especially near schools and hospitals, continue to have a devastating impact on civilians, including children. In addition, children have been the victims of suicide attacks, both as bystanders and through their recruitment as suicide bombers. Improvised explosive devices, rockets, landmines, unexploded ordnance and remnants of war continued to take the lives and limbs of children in numerous countries.

13. Sexual violence remains widespread in many conflict situations, affecting both girls and boys. Although underreported, sexual violence and the forced marriage of girls to members of armed groups continued to be a pervasive threat.

14. Attacks on schools, hospitals, teachers, schoolchildren and medical personnel in situations of conflict remain widespread and alarming. Access to education and health care continues to be disrupted by the damage or destruction resulting from targeted attacks on schools and medical facilities and by the use of explosive weapons. Many schools and hospitals are looted by armed groups, used as barracks, operational centres and detention sites, including by governmental forces. Access to education is also hampered, as schools are targeted by armed groups as places for the indoctrination and recruitment of children. In some cases, extremist armed groups also interfere in school programmes. Teachers and medical personnel are often threatened or become victims of targeted killings and abductions. Girls' access to education is particularly affected by all forms of attack on schools.

1. Military use of schools and its impact on education

15. Schools remain at the heart of armed conflict in many countries around the world. The use of schools for military purposes by armed forces and groups continues to put schoolchildren at risk of attack and hampers children's access to education. Schools are often being used as military barracks, weapon storage areas, command centres, detention and interrogation sites, firing and observation positions and training grounds for combatants, as well as serving as recruiting grounds for children. This practice not only results in reduced enrolment, high dropout rates and overcrowding of schools, but also changes the civilian nature of schools and may lead to the perception of schools as legitimate targets for attack. Even when children are evacuated from schools used by military forces, their right to an education under international human rights law is compromised. In some situations, as a direct result of the military use of schools, children have been injured or killed and schools have been damaged or destroyed in targeted attacks and by the indiscriminate use of weapons.

16. International humanitarian law prohibits armed forces and groups from using schools while children and teachers are using them for educational purposes. Parties to conflict are urged to fully comply with this obligation and not to use schools for any purpose in support of their military efforts. They are called upon to urgently take all precautionary measures not to endanger civilians and civilian objects in the vicinity of military targets and to exercise caution, especially when indentifying military targets among buildings that are normally dedicated to civilian purposes.

2. Detention of children associated with armed forces and groups

17. In many countries children are arrested and detained without due process or legal safeguards, including under antiterrorism laws, either because they are perceived as a threat to national security or for acts allegedly committed while associated with armed groups. Children are also captured in the course of military operations and held in formal or informal detention facilities without any legal basis, sometimes incommunicado and for prolonged periods of time.

18. Furthermore, children detained by security forces are often held in poor conditions, in blatant disregard of basic human rights and minimum standards applicable to any person in captivity. When deprived of their liberty, children are particularly vulnerable to human rights abuses, including sexual violence. Parties to the conflict are urged to recognize children associated with armed forces and groups primarily as victims, and in all circumstances children should be treated in accordance with international norms and standards in the area of juvenile justice.

3. Impact on children of the use of drones in military operations

19. The use of explosive weapons in populated areas has been shown to result in a pattern of harm affecting children and their families. In recent years, United Nations actors have noted with concern how evolving technologies and tactics reflecting the changing nature of armed conflict pose a threat to children. Over the past decade, reports of child casualties in the course of military operations by armed unmanned aerial vehicles, referred to as drones, have multiplied. While precise information is not available on the number and circumstances of these incidents, such reports indicate that drones have had a significant impact on children.

20. Drone strikes directly affect the psychosocial well-being of children and their families, as well as their economic situations and educational opportunities. The unannounced and often mixed use of drones for both surveillance and military operations has created a pervasive sense of fear in affected areas. Children have been increasingly kept away from schools because of the fear that they could be killed on their way to school or to compensate for the income lost after the death or injury of a relative due to a drone strike.

21. A growing body of reporting also contributes to an enhanced understanding of the multiple indirect adverse effects of drone strikes on children. Boys and girls have been the victims of drone strikes on schools, funeral processions and other community gatherings. Drone attacks have also led to weakening of the social fabric and of community protection mechanisms.

22. As more Member States are in the process of acquiring this technology, it is hoped that they will equally explore ways to address these concerns and mitigate the impact of drone strikes on children.

B. Progress in dialogue, commitments and action plans with parties to conflict

23. In line with General Assembly resolutions 64/146, 65/197, 66/141 and 67/152 on the rights of the child, in which the Assembly called upon relevant parties to conflict to take time-bound and effective measures to end grave violations against children, progress has been made in eliciting commitments from armed forces and groups to end grave violations. Since the issuance of the previous report of the Special Representative (A/67/256), an action plan to end the recruitment and use of children was signed by the Government of the Democratic Republic of the Congo and the United Nations. Significantly, provisions to halt and prevent sexual violence against children by the Forces armées de la République démocratique du Congo were included in the plan. In addition to the action plan to end the recruitment and use of children, signed in 2012, in the reporting period, the Transitional Federal Government of Somalia also signed an action plan to end the killing and maiming of children, the first of its kind signed by any party to the conflict.

24. Furthermore, during the Special Representative's mission to Yemen, the Government committed to working with the United Nations to develop concrete and time-bound measures to end the recruitment and use of children by the Yemeni armed forces. This commitment marked an initial positive step and it has since been translated into a draft action plan, which was recently endorsed by an interministerial committee and is awaiting the approval of the Cabinet.

25. In Chad, the Government has intensified its efforts to reach full compliance with the action plan to end the recruitment and use of children by the Armée nationale tchadienne, signed in 2011. During the Special Representative's joint visit with UNICEF in May, the Government adopted a 10-point road map committing to short- and medium-term measures with a view to accelerating the implementation of the action plan.

26. Dialogue has been initiated with non-State armed groups to halt and prevent grave violations against children. During the visit of the Special Representative to Yemen, she met with the leadership of the Houthi armed group and opened avenues

for engagement with the United Nations. Similarly, she established contact with commanders of the Free Syrian Army, as well as with representatives of the Sudan People's Liberation Movement-North to discuss ways of addressing grave violations, including the recruitment and use of children.

27. As at July 2013, dialogue had been successfully conducted with 21 parties, resulting in 18 action plans with armed forces and groups.

III. Advocacy and mainstreaming

28. During the first year of her mandate, the Special Representative, building on the work of her predecessor, pursued a four-pronged approach to addressing the plight of conflict-affected children: she has worked with Governments to strengthen their efforts to stop and prevent violations, focused her advocacy to protect the most vulnerable children in some of the worst conflict areas, has continued to work closely with United Nations partners to strengthen child protection capacity in the field and has continued to advocate for ending impunity for violations against children.

29. The Special Representative undertook four field visits to take stock of the situation of children affected by armed conflict and to elicit commitments from parties to end grave violations against children. When possible, she has seized the opportunity of political and peacemaking processes to advance the children and armed conflict agenda, and in particular to advocate for the development and implementation of action plans.

30. The Special Representative has also engaged with countries in which progress on the implementation of action plans has been slow, in an effort to revitalize their engagement and jointly identify country-specific strategies for accelerating implementation. She intends to use this approach in other situations to accelerate global compliance by government forces with the prohibition on the recruitment and use of children in armed conflict. In this regard, in view of the significant number of commitments by parties to conflict and the need for timely follow-up, she has highlighted to donors the importance of sustained funding for the implementation of action plans.

31. With large-scale displacement, porous borders and cross-border arms trafficking fuelling the regional spillover of conflict, the Special Representative has also endeavoured to raise awareness regarding the regional dimension of certain conflict situations and has interacted with regional actors to ensure that children's issues are included in their peacemaking efforts.

32. By further reaching out to Member States and building strong partnerships with regional organizations, the Special Representative intends to continue to use existing policy instruments and agendas to mainstream the issue of children and armed conflict in the United Nations system.

A. Field visits

33. The Special Representative undertook field visits to Yemen (November), the Syrian Arab Republic (December) and Chad (May), as well as a regional visit to

Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey (July) to assess first-hand the situation of children and to obtain commitments from parties to conflict to halt and prevent grave violations. Those missions were conducted jointly with UNICEF to further strengthen advocacy at the strategic and operational levels.

1. Yemen

34. The crisis that erupted in Yemen in 2011 has had grave consequences for children, with recruitment and use, killing and maiming and attacks against schools being the most salient violations. Although challenges remain, the transition in Yemen is offering a critical opportunity to enhance the protection of children affected by the armed conflict. During her visit in November 2012, the Special Representative secured progress towards ending the recruitment and use of children by the Yemeni armed forces.

35. Following meetings with President Abdrabuh Mansour Hadi Mansour, Prime Minister Mohamed Salem Mohamed Basendwah, General Ali Mohsen and other officials, President Hadi issued a statement prohibiting the recruitment and use of children by all elements of the country's military and security forces. This constructive stance was further reinforced by the Government's endorsement of the Paris Principles and the creation of an interministerial committee to develop and implement, together with the United Nations, time-bound measures to end the recruitment and use of children. As mentioned in paragraph 24, since the visit of the Special Representative, the commitment of the Yemeni authorities has translated into the adoption of a draft action plan by the ministers concerned and is awaiting Cabinet approval.

36. During that visit, the Special Representative also travelled to Sa'ada to meet with the leader of the Houthi armed group; the meeting opened avenues for the United Nations team on the ground to engage with Houthi on the issue of the recruitment and use of children.

37. This progress notwithstanding, dialogue has not yet fully translated into gains that alleviate the burden of Yemeni children affected by conflict. The preponderance of explosive weaponry, such as mines and unexploded remnants of war, and the use of drones continue to put children at risk. Alongside these overt dangers, the structural causes of poverty and lack of access to education and livelihoods must also be addressed to give children alternatives and prevent them from being recruited. It is hoped that the swift endorsement by the Cabinet of the draft action plan will assist the Yemeni authorities in their efforts to address grave violations against children.

2. Syrian Arab Republic

38. The Syrian Arab Republic remained an open wound in 2012 and throughout the first half of 2013, with children killed, maimed or trapped by the extensive use of explosive weapons in populated areas, displaced from their homes and recruited by the Free Syrian Army and other armed groups. Since the start of this conflict, children have been missing months if not years of schooling, witnessing the deaths of family members and the destruction of their homes. Children also continue to be denied humanitarian access and deprived of health care.

39. In view of the extensive grave violations committed against children by both the Government and armed groups, the Special Representative visited the Syrian Arab Republic in December and again in July.

40. At the time of the first visit, violations against children were ongoing and the damage and destruction of schools and medical facilities was already extensive, rendering thousands of schools and 40 per cent of hospitals non-functional. In her visits to the internally displaced person camps in Damascus and Homs, as well as the refugee camp of Al Yarmouk, she observed the dire humanitarian needs of children facing winter with little food, medicine or shelter.

41. In Damascus, the Special Representative engaged with the Government on a range of issues, including the use of airstrikes and heavy weapons in densely populated areas, the targeting and military use of schools and hospitals by Government forces and the humanitarian needs of children affected by the conflict. Her discussions with Government officials resulted in the establishment of the United Nations monitoring and reporting mechanism on grave violations against children. The Special Representative seized the opportunity of her presence in the Syrian Arab Republic to initiate contacts with Free Syrian Army commanders operating in Rif Damascus and Homs to raise the issue of the recruitment and use of children.

3. Chad

42. The Special Representative visited N'Djamena in May to assess progress on the implementation of the action plan to end the recruitment and use of children signed by the Government and the United Nations in 2011. In the course of the visit, President Idriss Deby Itno renewed his Government's commitment to ending the recruitment and use of children by the Chadian national army. Acting upon that commitment, the Government agreed to undertake specific measures to end and prevent the recruitment of children. With the crucial support of UNICEF, a 10-point road map was adopted identifying the short- and medium-term measures to be implemented with a view to accelerating the implementation of the action plan.

43. Since then, tangible progress has been made and the implementation of the measures has advanced, owing to the joint efforts of the Chadian authorities and the UNICEF country office. Additional financial support will however be needed to ensure that the action plan is implemented effectively and in its entirety.

4. Regional visit to Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey

44. In July the Special Representative visited Iraq, Jordan, Lebanon, the Syrian Arab Republic and Turkey to follow up on her previous visit to the Syrian Arab Republic, as well as to take stock of the security and humanitarian challenges presented by the inflow of refugees in neighbouring countries. She commends the efforts of host Governments that opened their borders to refugees from the Syrian Arab Republic and provided life-saving assistance and encourages the international community to continue to support those efforts.

45. Also of concern is the situation of Palestinians who have been forced to seek refuge in Lebanon after decades of asylum in the Syrian Arab Republic. This burden on the already overstretched Palestinian refugee camps should not be neglected, and the Special Representative will be working closely with the United Nations Relief

and Works Agency for Palestine Refugees in the Near East to ensure that children are protected and their rights respected.

46. In the Syrian Arab Republic, where the multiplicity of armed groups in some areas of the country has further complicated humanitarian access as well as the overall protection of children, the Special Representative continued to engage in dialogue with the parties to end grave violations. The Syrian Government has recently promulgated a law prohibiting child recruitment and strengthening sanctions for crimes of sexual violence against children. Building on this development, the Special Representative, in the course of her visit, secured the Government's commitment to establish an interministerial committee to engage with the United Nations on the protection of children. It is hoped that this first step can foster greater engagement by the Government in moving forward with the United Nations on crucial life-saving and protection activities. She also raised the issue of detention of children and highlighted the need for the Syrian authorities to immediately put an end to the practice of arrest and detention of boys on security charges.

47. Furthermore, the Special Representative interacted with representatives of the Free Syrian Army to demand that they put an end to child recruitment and that they separate children without delay. She also reminded them of their obligations under international humanitarian law.

B. Working with Member States, regional organizations and partners

48. Strengthening cooperation with Member States and regional and political organizations for the protection of children has been a priority since the onset of the mandate of the Special Representative. Through field visits, she has endeavoured to establish dialogue with concerned Member States to ensure a collaborative, constructive approach to the implementation of her mandate.

49. She has also continued to engage regularly with Member States in the context of the General Assembly, Security Council and Human Rights Council. It is hoped that such interactions will include periodic briefings to interested regional groups to foster mutual understanding on how to reach common goals.

50. Building on the work of her predecessor, the Special Representative has further sought to deepen the already advanced dialogue with the European Union, including in the course of a visit to Brussels to discuss issues of common concern. In this regard, she has emphasized the importance of fostering the implementation of the European Union Guidelines on Children and Armed Conflict and the importance of the European Union utilizing all the available tools for the benefit of children affected by armed conflict.

51. Since the adoption by the North Atlantic Treaty Organization (NATO) of the outcome documents of the Chicago Summit, which included specific references to children affected by armed conflict, the Office of the Special Representative has continued to engage with NATO to mainstream child protection concerns. During a visit to NATO headquarters in June, she launched an online predeployment child protection training programme and requested NATO to develop and implement measures to ensure that there were no child casualties, as well as transparent reviews and investigation mechanisms when necessary. Furthermore, in Afghanistan, the

United Nations Assistance Mission in Afghanistan and the International Security Assistance Force, largely through the NATO training mission, have been jointly supporting the Government in the implementation of its action plan to prevent and respond to children associated with Government security forces.

52. Progress is ongoing in operationalizing the partnership of the Special Representative with the African Union. She has engaged with both the Peace and Security Department and the Peace Support Operations Division of the African Union to develop a partnership framework for streamlining child protection in its policies and operations, including through the development of guidelines and the provision of senior child protection capacity.

53. In October the Special Representative initiated a dialogue with the League of Arab States on child protection concerns. She intends to reach out further to the Organization of Islamic Cooperation on the need to protect children in armed conflict.

54. The Special Representative welcomes the support provided by the International Organization of la Francophonie for the translation and dissemination of technical guidance for French-speaking audiences and hopes that this initial step will lead to a broader partnership.

55. Throughout the reporting period, the Special Representative has worked closely with the full spectrum of departments of the Secretariat as well as the agencies, funds and programmes of the United Nations system. As the global lead agency for the protection of children, UNICEF continues to be a privileged interlocutor for the mandate of the Special Representative and for the protection of children affected by armed conflict around the world. The Special Representative has sought to further strengthen her collaboration with UNICEF, including through joint high-level advocacy initiatives and technical-level assessments. She has also engaged regularly with the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Special Representative on Violence against Children to leverage complementarities and build synergies across mandates.

56. In addition, the Office of the Special Representative continues to cooperate with the International Labour Organization (ILO) in the area of economic reintegration activities of children formerly associated with armed forces or groups. The Special Representative will continue to strengthen her partnership with ILO, in particular to identify alternative youth employment and livelihood strategies. In Myanmar in particular, ILO has been deeply engaged in collecting and verifying information on child recruitment and use, in separating children from armed forces and groups and in supporting the implementation of the Government's commitments to end child recruitment.

57. The Special Representative has continued to reach out to civil society at both the national and international levels on issues of common concern and to advance the children and armed conflict agenda.

C. Mainstreaming child protection within the United Nations system

58. As an integral part of her mandate and building on the work of her predecessor, the Special Representative has continued to promote the mainstreaming of child protection in the activities of the United Nations.

59. In cooperation with the Office of the United Nations High Commissioner for Human Rights, the Special Representative supported the deployment of child protection experts to the Independent International Commission of Inquiry for the Syrian Arab Republic and the fact-finding missions to Mali and the Central African Republic. She welcomes the practice of including violations of the rights of children in the mandates of commissions of inquiry and fact-finding missions and ensuring adequate expertise for the investigation of such violations, as it has resulted in a greater focus on violations against children.

60. Ensuring adequate child protection capacity in peacekeeping, peacebuilding and special political missions remains critical for the comprehensive mainstreaming of child protection concerns among uniformed and civilian personnel, as well as for the collection of accurate, objective, reliable and verifiable information on violations against children. Child protection advisers are deployed in six peacekeeping missions and three special political missions. In 2013, child protection capacity was deployed in the United Nations Multidimensional Integrated Stabilization Mission in Mali and the United Nations Assistance Mission in Somalia. They complement the strong programmatic approach of UNICEF and play a critical role in gathering information on violations against children, in separating children from armed forces and groups and in initiating dialogue for the development of action plans. They further ensure that the substantive activities of the United Nations missions are sensitive to children's needs. In this regard, the Special Representative commends the initiative of the Department of Peacekeeping Operations, at the request of the Special Committee on Peacekeeping Operations and in consultation with her Office, to launch a review of the 2009 child protection policy in peacekeeping missions. It is her hope that this process will contribute to the further enhancement of child protection capacity in the field.

61. The Special Representative has also been working with the Peacebuilding Support Office to mainstream activities required for the implementation of action plans in national peacebuilding plans funded through the Peacebuilding Fund. As a result, funding was provided in November for the implementation of the action plan signed with the Government of Myanmar in July 2011. She will continue to work closely with the Fund to support similar initiatives and to promote a flexible, predictable and cross-sectoral approach to the funding of action plans.

D. Training in child protection for military and civilian personnel

62. Training is a core element in the mainstreaming of child protection across the United Nations system and in the activities of partners, especially in the field. It ensures compliance with minimum child protection standards in United Nations missions and also has a positive impact on the development of national military guidance.

63. The Department of Peacekeeping Operations, jointly with the Office of the Special Representative, UNICEF and Save the Children, has developed training standards on child protection for all peacekeepers, consisting of a core predeployment training module for all peacekeeping personnel, whether civilian or military, as well as specialized modules for military contingents.

64. The predeployment training modules are practical and field oriented, aimed at preparing peacekeepers to act concretely on the basis of child protection standards.

Through this predeployment training, Member States can sensitize peacekeepers to the concerns of children, equip them to better respond to those concerns and alert child protection actors to violations committed against children.

65. The Office of the Special Representative and the Department of Peacekeeping Operations have jointly developed an online training tool for rank and file soldiers deployed in NATO operations. This training, especially if adopted by all the 28 NATO member States along with its 54 partner countries, can play an important role in furthering the mainstreaming of child protection in multinational military operations. To complement this achievement, the Special Representative has called upon NATO leadership to promote the development of specific training for their commanders.

IV. Way forward

66. The protection of civilians and children affected by conflict remains the primary responsibility of Member States. Working closely with governments and regional organizations in support of their efforts will continue to be the principal avenue by which the Special Representative will carry her mandate forward for the effective protection of children affected by armed conflict.

67. A number of children remain associated with armed groups, however. As a humanitarian imperative and in the best interest of children, the Special Representative has reached out, where appropriate, to non-State parties to conflict. In this regard, she encourages Member States to facilitate contacts between the United Nations and non-State armed groups.

A. Ending the recruitment and use of children by national armed forces by 2016

68. During the reporting period, progress in ending the recruitment and use of children by government forces has been steady. Five Member States have ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, which brings the total number of ratifications to 152. The joint and complementary efforts of Member States and child protection actors have reached an important milestone, as an international consensus against the use of children under 18 in conflicts is emerging.

69. Achieving global compliance with international norms for the protection of children must start with ensuring that no children remain in any national army. Accordingly, among the eight government armed forces listed in the report of the Secretary-General on children and armed conflict (A/67/845-S/2013/245, annex I), six have already signed action plans with the United Nations, and active dialogue is ongoing with the remaining two.

70. Building on the campaign for the universal ratification of the Optional Protocol in the 2010-2012 period, the Special Representative has decided to launch a global initiative to end the recruitment and use of children by government armed forces in conflict by 2016, jointly with UNICEF and other United Nations partners. This campaign will provide additional political momentum, renew high-level advocacy and further elicit commitments to end underage recruitment. Through this

initiative, she will endeavour to mobilize resources and financial support for the full implementation of action plans.

71. Ending the recruitment and use of children by government forces in conflict will allow Member States and the international community to focus their efforts on strengthening national capacity to prevent the recruitment and use of children in their territory by non-State armed groups and in conformity with the obligations set out in the Optional Protocol, as well as to strengthen the fight against impunity.

72. As reiterated in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (resolution 67/1), respect for human rights, the rule of law and development are interwoven and mutually reinforcing goals. Consistent with this vision, by focusing efforts on the professionalization of State armed forces and promoting full compliance with international children's rights and protection standards, the 2016 campaign will complement security sector reforms as well as the achievement of broader security, human rights and development goals.

B. Supporting the reintegration of children formerly associated with armed groups

73. Children constitute the majority of the population in many conflict and post-conflict societies. Conflict destroys social capital and disrupts the development of children and youth, thus acting as a powerful factor of exclusion. Once a conflict has ceased, the lack of educational and socioeconomic opportunities can fuel a legacy of violence and contribute to a relapse into conflict.

74. Addressing the structural causes of fragility to escape "conflict traps" can be achieved only if a country's long-term recovery efforts include priorities for the successful rehabilitation of the lives of conflict-affected children and young people. While there are several reasons why children join armed forces and groups, poverty a lack of education and limited socioeconomic opportunities have been recognized as an important factor for children's association with armed forces and groups in conflict-affected and fragile countries.

75. To break this vicious cycle, measures must be put in place to protect children from recruitment and rerecruitment and provide them with viable alternatives. Reintegration can serve as an effective tool for the prevention of recruitment through education, skills training, socioeconomic development for children and community sensitization programmes. With such opportunities, the likelihood that children will return to armed groups or engage in criminal activities is significantly reduced. This, in turn, contributes to the building of resilient communities and to social stability. The effectiveness of reintegration measures depends, however, on their continuity and sustainability, as well as the on extent to which the underlying causes of recruitment are being addressed.

76. The multiple challenges faced by conflict-affected countries cannot be resolved by short-term or partial solutions. Heavy debt burdens, lack of resources and other capacity constraints hinder their ability to provide effective and sustained responses. The Special Representative welcomes the report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda (A/67/890, annex), which highlights the importance of including in the agenda beyond 2015 the goal of

eliminating all forms of violence against children and reiterates the need to ensure education for every child regardless of circumstances.

77. The Special Representative encourages national and international partners to focus on developing national capacity for the establishment of community structures to protect children, economic stabilization and the creation of livelihood opportunities, including youth-oriented employment strategies and programmes. Coordinated and holistic interventions are required to build effective and accountable institutions that provide people, in particular children and young people, with education, security, justice and jobs.

C. Monitoring and responding to attacks on education and health care

78. The concerted effort by both the General Assembly, through its resolution 64/290 on the right to education in emergencies, and the Security Council, through its resolution 1998 (2011) on attacks on schools and hospitals, has put children's access to education and health care in times of armed conflict firmly on the international agenda.

79. To follow up on these important advances, the Office of the Special Representative, in cooperation with partners, is preparing guidance for the field on monitoring and reporting on attacks on educational and health-care facilities and plans to have dialogue with parties to conflict to halt and prevent such violations. A collaborative effort between United Nations peacekeeping and political missions in the field, as well as other United Nations entities, including UNICEF, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization, will be essential in strengthening and disseminating good practices for mitigating the effects of conflict on children's education and health care.

80. During the reporting period, notable progress was made in devising and reinforcing protective measures to ensure education in times of conflict. The Global Coalition to Protect Education from Attack, created in 2010 and composed of United Nations entities and non-governmental organizations, spearheaded the development of draft guidelines for protecting schools and universities from military use during armed conflict, also known as the Lucens guidelines. The initiative, which results from broad consultations among military experts, child protection actors, education specialists and international humanitarian and human rights lawyers, is aimed at enhancing knowledge and understanding, as well as improving the monitoring and reporting of attacks on schools. It also served to advocate for the development of clear international norms on the interaction of military forces with schools and schoolchildren. The Special Representative strongly encourages Member States to support this process at both the technical and strategic levels and to promote concrete changes in national policies and legislation, as well as the inclusion of the guidelines in military doctrine, manuals and training.

D. Mainstreaming child protection in peace agreements

81. It has been widely acknowledged that the mainstreaming of children's issues and concerns in peacemaking processes is essential in mobilizing efforts for the

critical protection that children need in times of conflict. Incorporating specific commitments in political settlements, ceasefire arrangements, peace agreements and relevant implementation mechanisms can provide important opportunities and entry points for the rapid release of children from armed forces and groups and their reintegration. Early consideration of children's issues in peacemaking processes also facilitates planning and resource mobilization.

82. Only minimal references to children's rights and needs have been incorporated in recent peace agreements, however, and the mainstreaming of children's issues in peace processes has not yet been translated into a systematic practice. While each conflict poses specific challenges for children, there are core principles that should guide peacemaking efforts and be referenced in peace agreements when appropriate.

83. Any peace agreement should explicitly recognize that children's lives have been affected by the armed conflict, in particular through forced recruitment, displacement and sexual and gender-based violence. At a minimum, parties to the conflict should commit to immediately stopping and protecting children from all violations, including their recruitment and use, killing and maiming, rape and sexual violation.

84. A specific commitment to uphold international legal obligations such as the Convention on the Rights of the Child should also be referenced, and no blanket amnesty should be granted to parties having committed grave violations against children. In addition to a general guarantee of safe humanitarian passage for civilians and humanitarian organizations, peace agreements should expressly prohibit the use of schools for military purposes. The inclusion of these provisions provides legitimacy to child protection actors and facilitates dialogue with the parties to end and prevent grave violations.

85. Ceasefire arrangements and peace agreements should include explicit demands for the immediate cessation of the recruitment and use of children, as well as the swift and orderly release, return and reintegration of children associated with armed actors. In view of the elevated number of child victims of mines and unexploded ordnance, parties should commit to refraining from any further use of those weapons and should swiftly undertake and facilitate efforts to eliminate explosive remnants of war.

86. If a peace agreement exclusively refers to the separation of child combatants, many children and youth, especially girls and those serving in so-called support functions, in particular victims of sexual violence, are at risk of being excluded from adequate reintegration assistance. Peace agreements should acknowledge the special needs of girls and provide for the establishment of rehabilitation programmes, health-care and counselling services for all boys and girls separated from armed forces and groups. Specific consideration should also be given to concerns regarding the protection of vulnerable children, such as refugee and internally displaced children, children separated from their families, unaccompanied minors and children orphaned by war.

87. Mainstreaming child protection in peace agreements paves the way for the development of time-bound measures to address the needs of conflict-affected children. Where a previous action plan exists, a peace process can offer an opportunity to revitalize commitments and accelerate its implementation. The Special Representative strongly encourages Member States and other mediation

actors to take into account children's issues and concerns in their political efforts. In the light of their ongoing involvement in conflict prevention and mediation, regional organizations have an important role to play in championing children's rights and interests in peacemaking processes.

E. Strengthening national capacity to address violations against children

88. The continuing development of national legislation criminalizing violations against children is another encouraging gain for the children and armed conflict agenda and is often a direct result of the implementation of an action plan. In that regard, the Special Representative welcomes the efforts of the Governments of Chad, the Democratic Republic of the Congo and the Philippines and their notable progress on strengthening national legislation related to children and armed conflict during the reporting period.

89. Investigations, prosecutions and trials of adult perpetrators of grave violations against children have remained extremely rare overall, however. Ending impunity for grave violations is a crucial element in enforcing compliance by parties with international obligations to protect children. The weak capacity of justice systems in countries affected by conflict requires specific support to ensure institutional responses to the needs of children affected by armed conflict.

90. Therefore, even when adequate legal and policy frameworks to protect children exist, they seldom translate into effective legal protection. To ensure that violations against children are addressed, rule of law programming and justice sector reform initiatives should include a short-term focus on creating a rapid response capacity in the criminal justice system. Swift accountability for violations against children is not only an important deterrent to ongoing violations, but also contributes to fostering a culture of national reconciliation in the longer term.

91. The United Nations and its partners continue to have an important role to play in this regard by ensuring that the legal protection of children is adequately taken into account when planning and funding capacity-building efforts in the area of reforming the justice sector.

F. Arms Trade Treaty and opportunities for child protection

92. The adoption of the Arms Trade Treaty by the General Assembly in its resolution 67/234 B in April constitutes an important opportunity for child protection. There is long-standing awareness of the link between the global trade in conventional weapons, including small arms and light weapons, and grave violations committed against children in conflict situations. A growing body of evidence demonstrates that the widespread availability of small arms and light weapons, fostered by the inadequate regulation of the global arms trade, exacerbates conflicts and disproportionately affects children. Solid evidence also exists of the correlation between the proliferation of small arms and light weapons and the widespread practice of recruitment and use of children in conflict.

93. Significantly, the Treaty recognizes the link between the arms trade and the effects of conflict on children. Small arms and light weapons fall under the scope of

the Treaty, and ammunition/munitions and parts and components are covered by its prohibition and export assessment provisions. The entry into force of the Treaty has the potential to generate a positive long-term impact on the situation of children in conflict. It forbids the transfer of arms that could be used in the commission of attacks directed against civilians, including children, grave breaches of international humanitarian law and war crimes defined by international agreements to which a State is a party, such as the crime of child recruitment under the Rome Statute of the International Criminal Court. Furthermore, under the Treaty's export assessment provisions, exporting States are requested to assess whether arms transfers would directly or indirectly lead to serious acts of violence against women and children, including killing and maiming, but also recruitment and use and, if an overriding risk is identified, to refrain from them.

94. The Arms Trade Treaty, if duly enforced, has the potential to curb the recruitment and use of children in conflict through the prohibition of arms sales to States parties that engage in child recruitment, falling in line with the long-standing interpretation of the Committee on the Rights of the Child of States parties' obligations to do so under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Treaty's contribution to reducing the plight of children in conflict can thus be understood as being twofold: seeking to curb both armed violence against children and the recruitment and use of children.

V. Recommendations

95. **The Special Representative urges Member States that have not done so to ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to enact effective national legislation and policies to criminalize the recruitment and use of children by armed forces. She calls upon the international community to support those efforts, including by providing the necessary technical and financial support to concerned Member States to end the recruitment and use of children in armed forces.**

96. **In line with her initiative to end the recruitment and use of children by government armed forces in conflict by 2016, the Special Representative calls upon the Member States concerned to intensify their collaboration with the United Nations and other child protection actors and share best practices. In this regard, she calls upon donors to provide adequate and sustained funding for the implementation of action plans. She also calls upon those Member States that have not yet signed an action plan with the United Nations to do so without delay.**

97. **The Special Representative calls upon Member States, regional organizations and any other actors involved in peace processes to systematically mainstream children protection concerns by including specific child protection expertise in mediation teams and by integrating child protection provisions in ceasefire arrangements, political settlements, peace agreements and relevant implementation mechanisms. In this regard, she also encourages United Nations partners to work together to develop technical guidance.**

98. **The detention and prosecution of children, including for acts committed while associated with armed groups, should at all times remain a measure of last resort. The Special Representative calls upon Member States to seek alternatives to prosecution and detention for children, consistent with international juvenile justice standards.**

99. **Mindful of the severe effects that explosive weapons, including small arms and light weapons, have on children in armed conflict, the Special Representative urges all Member States to sign, ratify and swiftly implement the provisions of the Arms Trade Treaty. In particular, Member States are urged to ensure that the impact on children of arms transfers is systematically assessed and that child protection concerns are duly taken into account, in accordance with the Arms Trade Treaty.**

100. **To minimize their effects on children, drone strikes must be carried out in accordance with principles of precaution, distinction and proportionality. A transparent normative framework governing drone use must be put in place, recognizing the special status of children, with the aim of avoiding child casualties. The Special Representative calls upon Member States to review their policies and to make a greater effort to investigate incidents involving the killing and maiming of children.**

101. **Measures to address the structural causes of child recruitment must tackle social exclusion and provide children and youth with education and socioeconomic alternatives. At the national level, measures to reintegrate children must be systematically included in broader recovery and development strategies. The economic dimensions of preventing the recruitment of children and reintegrating them into society need to figure prominently in the peacebuilding, recovery and development agenda of international agencies and bilateral donors.**

102. **The Special Representative welcomes the draft Lucens guidelines to protect schools from being used by armed forces and groups for military purposes. She calls upon Member States to lead the way in supporting that process and in incorporating those principles into their national legislation and military guidance.**